

ZB# 93-25

Steven & Ellen Kieva

6-3-15

Green.

#93-25-Kieva, Steven
Area

July 13, 1993

Cap. & check
measurement

of side yard.
NOD amended 8/24/93.

Need copies:

① Deed ✓

② Title report

③ Fees: ① 50.00pp

④ Photos ✓ ② 292.00pp.

Letter out on 9/25/93.

Public Hearing:

Sept. 13, 1993.

Area Variance

Granted

MADE IN U.S.A.

NO. R753 1/3

ESSELTE

Oxford®

Paid

C/O 126 Vince biagini
Station Road
Dwelling 29-1-20.1

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

August 23 19 93

Received of

Kura

\$ 50.00

DOLLARS

For

Fifty and 00/100

Young Board #93-25

DISTRIBUTION

FUND	CODE	AMOUNT
Ref Bank		50.00
15295619		

By

Pauline H. Thomas

Town Clerk

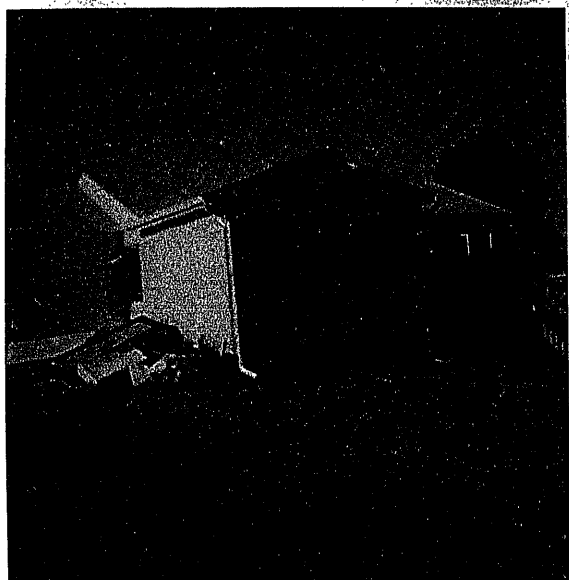
Title



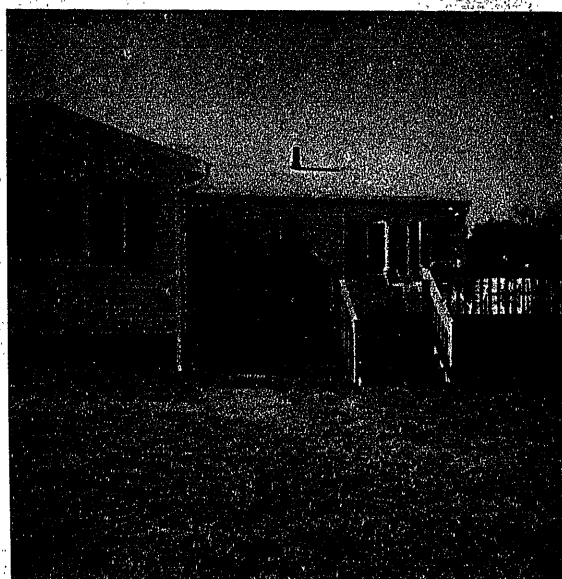
Older Son's house in parish

Disk # 80/9.
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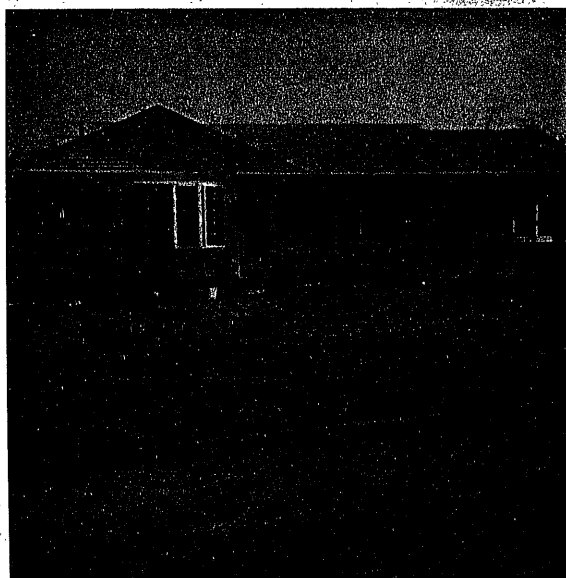
#43-21-1124-010000
Cue



side & back



Back of house



Front view

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

BEING:
LOT 17, BLOCK E AS SHOWN ON A MAP ENTITLED "DEVELOPMENT PLAN FOR WINDSOR ESTATES", FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON DECEMBER 15, 1993 AS MAP H1637.

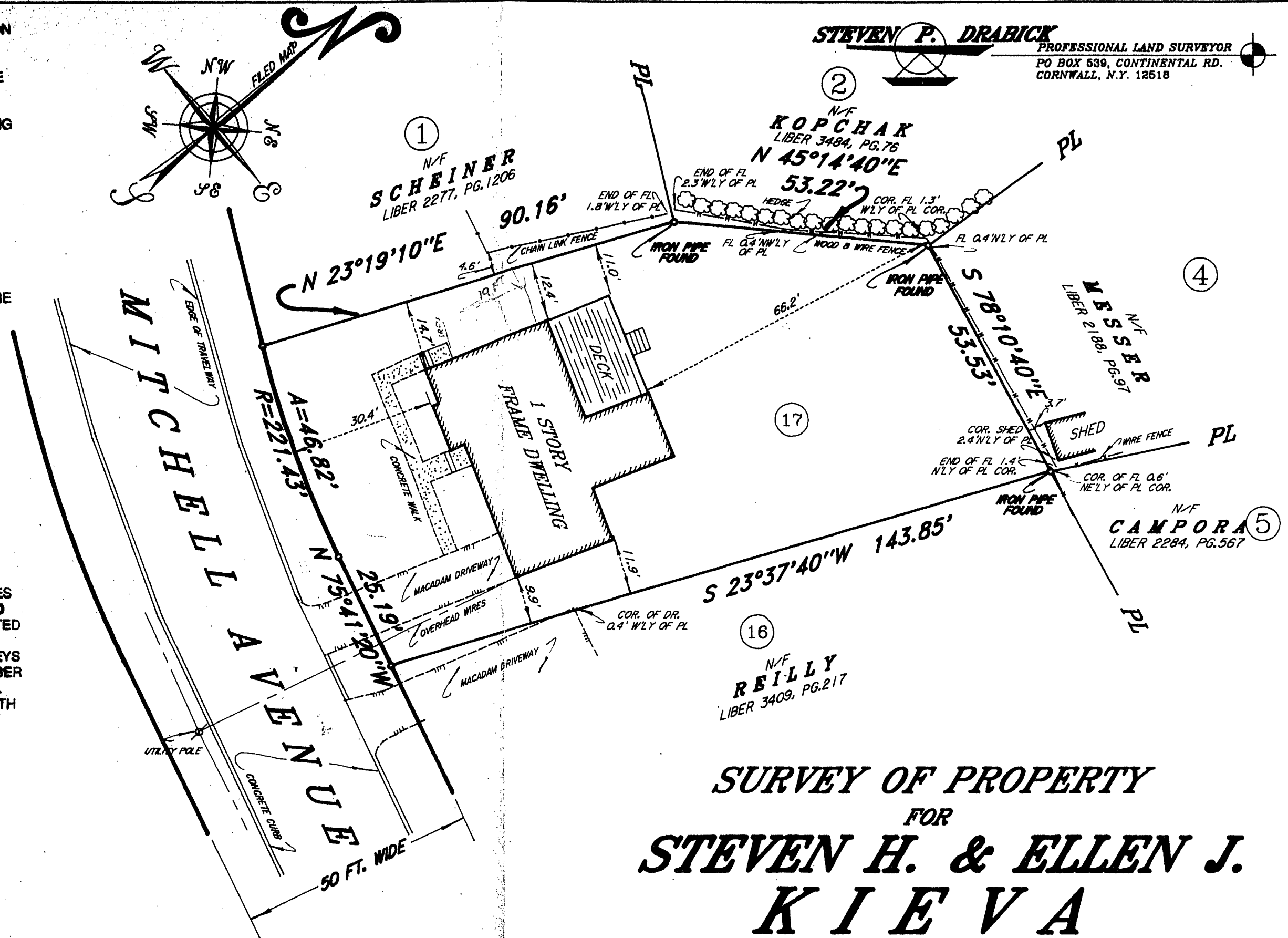
ALSO BEING LOT 15, BLOCK 3, SECTION 6 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

AREA =
0.2225 ACRE OR
9,694 SQ. FT.

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 7/27/93 AND CONFORMS TO THE MINIMUM STANDARDS FOR LAND SURVEYS ADOPTED BY THE D.H.L.S.A. ON DECEMBER 9, 1987 AND REVISED FEBRUARY 9, 1988. THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL

* STEVEN H. KIEVA,
* ELLEN J. KIEVA,
* TOWN OF NEW WINDSOR


STEVEN P. DRABICK, PLS NY LIC. #49806



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Kieva, Steven & Ellen

FILE # 93-25

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
8/23/93
* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 292.00
~~250.00~~ paid
8/23/93

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 7/12/93 - 6 pages \$ 27.00
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ _____

Fixed Fees

ATTORNEY'S FEES:

PRELIM. MEETING-	_____	HRS.	\$	_____
2ND PRELIM.	_____	HRS.	\$	_____
3RD PRELIM.	_____	HRS.	\$	_____
PUBLIC HEARING	_____	HRS.	\$	_____
PUBLIC HEARING	_____	HRS.	(CONT'D)	\$	_____
FORMAL DECISION	_____	HRS.	\$	_____
TOTAL HRS.		_____	@ \$ _____	PER HR.	\$ _____
				TOTAL	\$ _____

MISC. CHARGES:

_____ \$ _____
TOTAL \$ _____

LESS ESCROW DEPOSIT \$ _____
(ADDL. CHARGES DUE) \$ _____
REFUND TO APPLICANT DUE \$ _____

NEW WINDSOR ZONING BOARD OF APPEALS

Town
Clerk.

In the Matter of the Application of
STEVEN KIEVA AND ELLEN KIEVA,

DECISION GRANTING
AREA VARIANCE

#93-25.

WHEREAS, STEVEN KIEVA and ELLEN KIEVA, 1 Mitchell Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 14 ft. 6 in. side yard variance in order to construct a screened-in porch located at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of September, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants appeared in behalf of themselves and they both spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to side yard in order to construct a screened-in porch at the above residential dwelling in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable side yard would be required in order for applicant to be able to construct the screened-in porch to be attached to their residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the house was constructed approximately in 1953, prior to the adoption of the Zoning Local Law of the Town of New Windsor, New York. The side yard provided on the side of the house where the applicant proposes to construct a screened-in porch was less than the 15 ft. side yard subsequently required in the R-4 zone. Consequently the existing house has an insufficient side yard but such condition is pre-existing and non-conforming.

5. The applicant now proposes to construct a screened-in

porch in that already-undersize side yard. The proposed 12 ft. by 14 ft. screened-in porch would extend to within 6 in. of the property line generating a need for a 14 ft. 6 in. variance. The applicant now submits the instant application for a side yard variance in order to construct the proposed screened-in porch.

6. The evidence presented by the applicant substantiated the fact that the porch will be located to the side of the property as close as 6 in. to the property line but its impact on the neighboring properties is ameliorated due to the terrain of the property which slopes down hill from the side yard in question and the neighbor's residence is located at least 40 to 60 ft. away from applicants' property line, at the bottom of a hill. The applicant indicated that the screened-in porch will be constructed to direct drainage down the hill into applicants' front yard.

7. The evidence presented on behalf of the applicant and the Board's familiarity with the area indicated that many of the neighboring properties are improved with porches or decks of a comparable or larger size than the proposed porch which is the subject of this application.

8. The evidence presented on behalf of the applicant further indicated that the screened-in porch could not be located in either the other side yard or in the rear yard because it would be impractical to locate the screened-in porch anywhere other than adjacent to the kitchen for access and traffic flow within the house.

9. The evidence presented on behalf of the applicant indicated that the screened-in porch could not be constructed in a conforming manner since the side yard is already undersize and the screened-in porch could not be constructed with a width of less than 12 ft. so as to require a smaller variance because, it would result in a screened-in porch that will be too narrow to be usable, furniture would not fit in it, and in addition, would have been an uneconomic improvement to the house because it would not be a functional addition and would lack utility if it was located anywhere other than adjacent to the kitchen since access to the screened-in porch would be difficult. The applicant indicated that if the addition were constructed with a width of less than 12 ft. it would be an uneconomic improvement to the house because applicant would never be able to recover their cost for the addition of the screened-in porch since it would not add any value or utility to the house.

10. The evidence presented by the applicant also indicated that the neighborhood surrounding the subject site is devoted exclusively to residential uses.

11. It is the finding of this Board that the requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have screened-in porches or decks of comparable dimensions.

12. Given these factors, it is the finding of this Board

that the applicants' proposed screened-in porch will not have an adverse effect on property values in the neighborhood.

13. The evidence presented by the applicant further substantiated the fact that the requested variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the proposed screened-in porch will enhance the residential dwelling and will not negatively impact the adjacent neighbors because of the difference in grade and the applicants' provision for drainage.

14. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for side yard. However, it is the conclusion of this Board that the granting of the requested substantial area variance is warranted here because the pre-existing, non-conforming side yard was already undersize and because applicants have stated that the neighboring residence is located some 40 to 60 ft. away from their parcel and there is a slope downward towards the adjacent residence. Applicants doubt if the neighbor will be able to see the proposed structure from their property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a partially self-created one. The applicants did not create the pre-existing, non-conforming undersize side yard. The applicants also did not create the house layout which makes location of a screened-in porch impractical and uneconomic in any location other than in the already undersize side yard. However, the applicants desire to add any screened-in porch is causing a self-created difficulty in conforming to the bulk regulations. Given the character of the neighborhood where many of the houses already have screened-in porches or decks, and given the ameliorative conditions which the applicants have presented to this Board, it is the conclusion of this Board that the requested substantial variance should be granted notwithstanding the applicants' self-created hardships.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs

the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

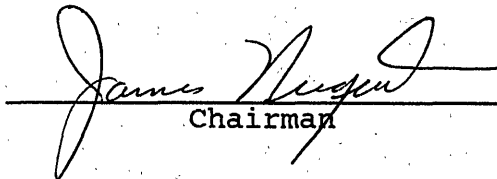
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 14 ft. 6 in. side yard variance in order to allow construction of a screened-in porch at the above location in an R-4 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 25, 1993.


Chairman

(ZBA DISK#9-100793.SK)

Prelim.

July 12, 1993

7:30pm

93-25.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 7, 1993

Amended - 8/24/93.

APPLICANT: STEVEN KIEVA
1 MITCHELL LANE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 4, 1993

FOR (BUILDING PERMIT): FOR A 12FT X 14FT. ENCLOSED PORCH, 3FT.
WALKWAY.

LOCATED AT: 1 MITCHELL LANE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION 6 BLOCK 3 LOT 15
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET BACK.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE F-10		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD	6"	14'-6" After
REQ'D SIDE YD 15FT.	6' 6"	7' 6"

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Steven H + Ellen J Kuri
Address 1 Mitchell lane New Windsor Phone 561-1359
Name of Architect Brian S. Matthews
Address 25 Benkart Ave Phone 562-8897
Name of Contractor Brian S. Matthews
Address 25 Benkart Ave Phone 562-8897
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the 1st side of 1 Mitchell lane
(N.S.E. or W.)

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Name of Owner of Premises

Steven H + Ellen J Kuri

Address

1 Mitchell Lane Newburgh

Phone

561-1359

Name of Architect

Brian S Mathews

Address

25 Benard Ave

Phone

562-8897

Name of Contractor

Brian S Mathews

Address

25 Benard Ave

Phone

562-8897

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the East side of 1 Mitchell Lane
(N.S.E. or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated..... Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section..... Block E..... Lot 17.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition X..... Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?.....
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms 3..... Baths 1..... Toilets 1.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District Newburgh

TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer -

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 Highway.....
 Sewer
 Water
 Zoning Board of Appeals

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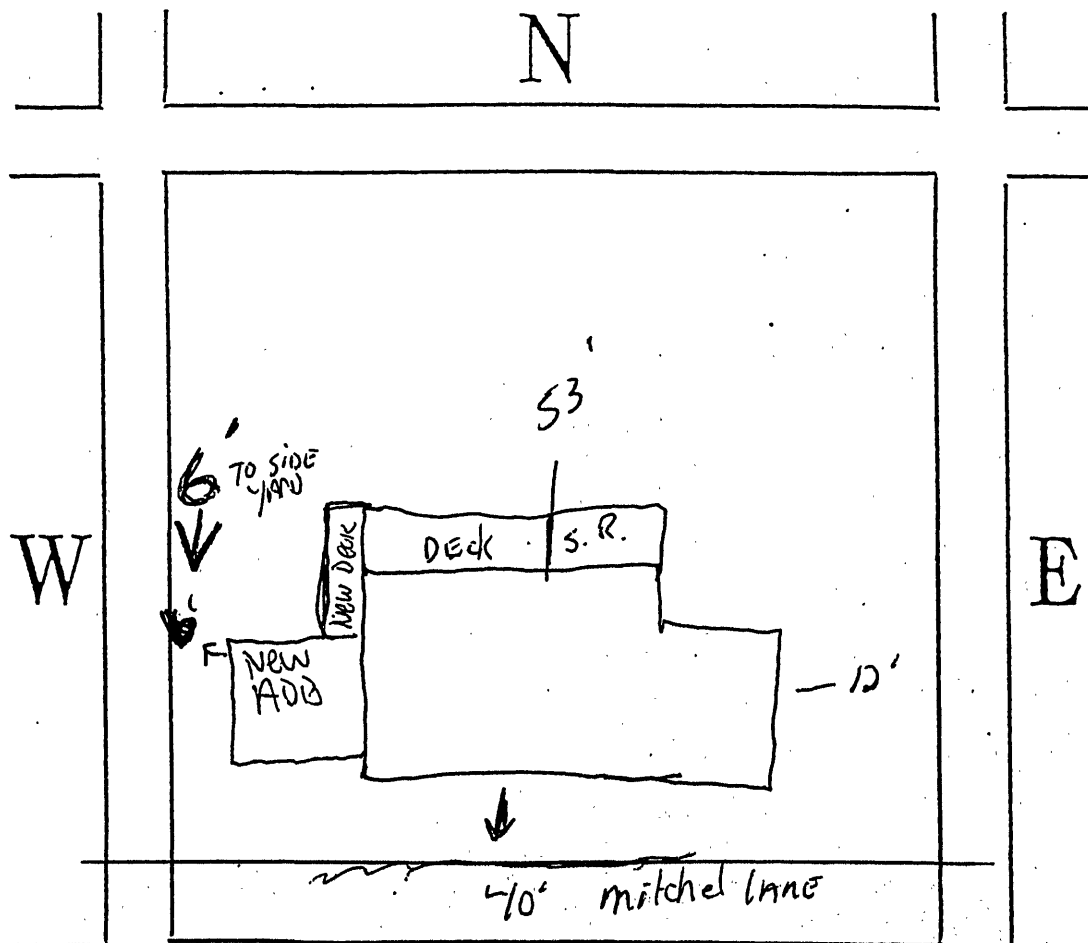
(Signature of Applicant)

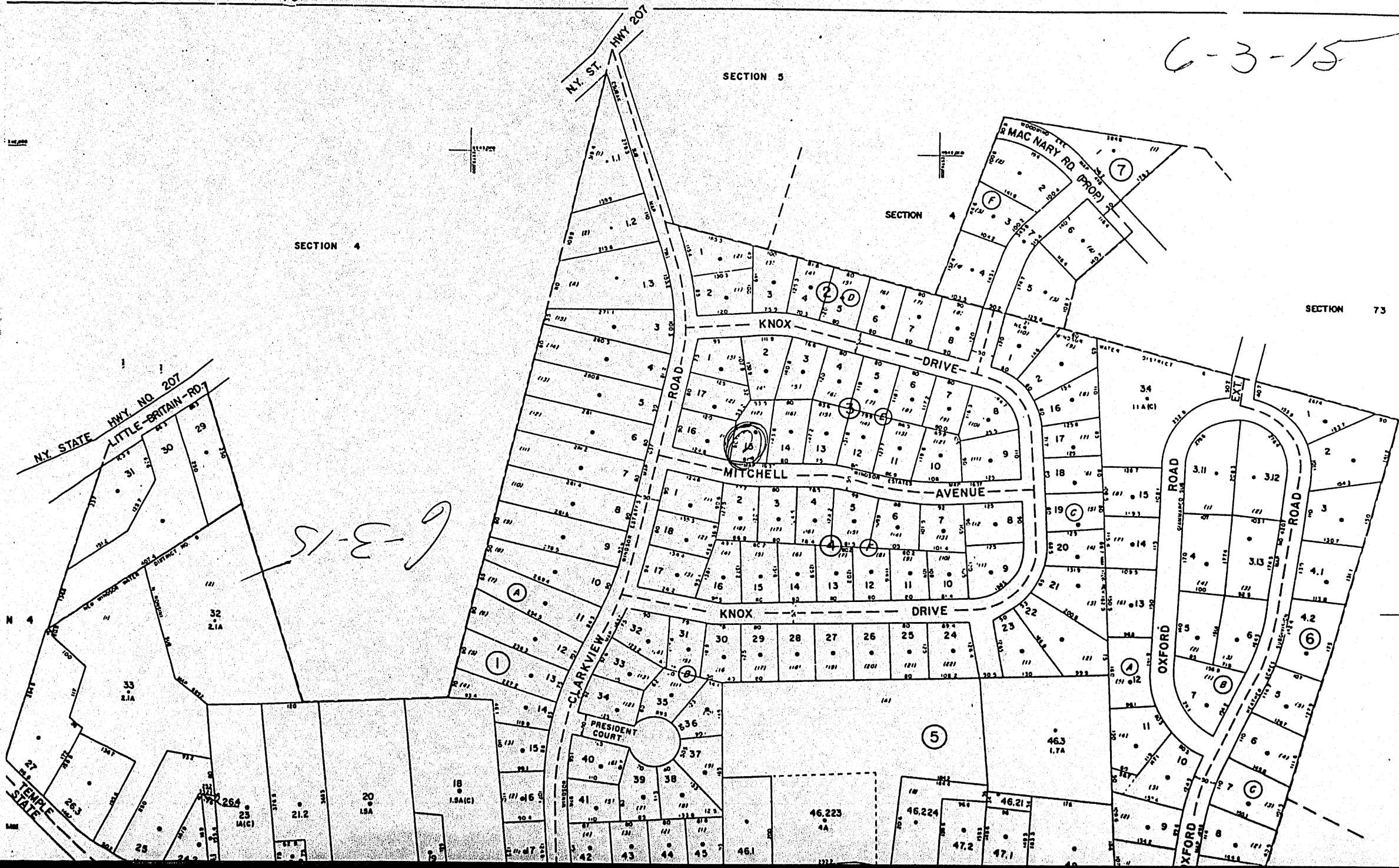
(Address of Applicant)

PLOT PLAN

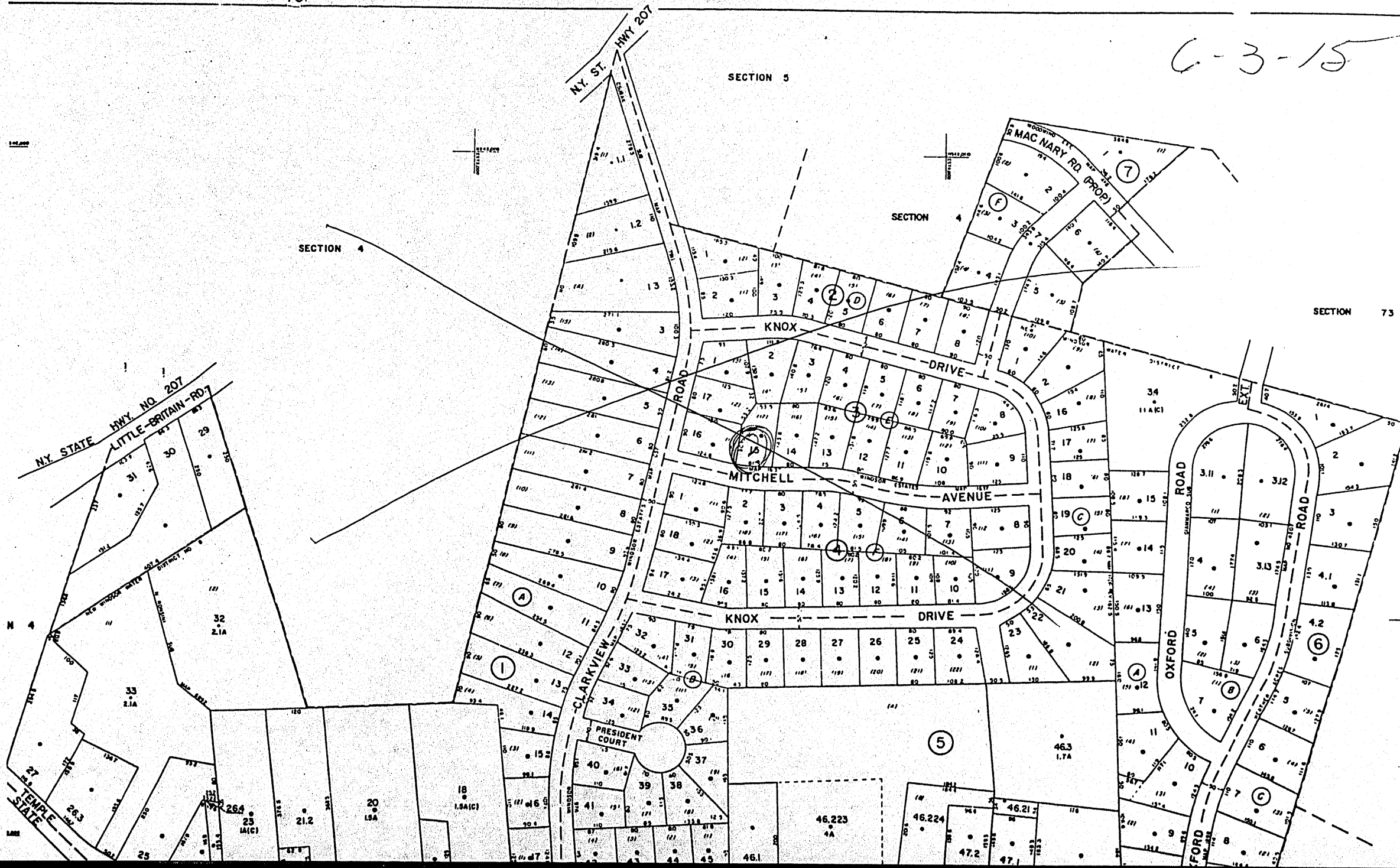
NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.





C-3-15



~~KIEVA, STEVEN & ELLEN~~

MR. NUGENT: Request for 9 ft. side yard variance to construct a screened-in porch at 1 Mitchell Lane in an R-4 zone.

Steven and Ellen Kieva appeared before the board for this proposal.

MR. LUCIA: I think the Notice of Denial was changed from our preliminary meeting on July 12, I think at that point, you were looking for 9 foot variance request which was based on proposal for a 6 foot side yard and I think now we're up to a ~~14 foot 6 inch~~ variance request, which is based on a 6 inch side yard, is that correct?

MRS. KIEVA: That is correct.

MR. LUCIA: We do have a corrected notice of denial in the file?

MRS. KIEVA: I made sure when I took the pictures I showed that even though it's half a foot left in distance we're nowhere near the house on the other side of us. We must have easily 60 feet or more. They are way down the bottom of the hill, we have no neighbor actually on that side.

MR. TORLEY: You have spoken with them?

MRS. KIEVA: It's a rental house, nobody's living in it now. It comes and goes. The original owners I haven't met. I sent out the variance notices, I didn't hear anything.

MR. LUCIA: Is there a difference in grade between your house and the next house?

MRS. KIEVA: Yes, we're up on a hill. They are at the bottom and I made sure that I wrote down that the drainage would be going down the hill to our front yard and not down the hill in their front yard.

MR. LUCIA: Do you know when the house and existing

deck were constructed?

MRS. KIEVA: There was no existing deck, just a tiny little porch, there was nothing there passed the stairs there was a little tiny thing. The deck that is in the back was done through a whole other thing.

MR. LUCIA: Do you know when that deck was put on?

MRS. KIEVA: Yeah, three months ago.

MR. TORLEY: That deck did not require a variance?

MRS. KIEVA: No, just through Frank.

MR. LUCIA: That deck doesn't go any closer to the side line, it continues with the house line?

MRS. KIEVA: Yes, goes right back.

MR. LUCIA: Do you know when the house was constructed approximately?

MRS. KIEVA: I want to say '53. In that application that we submitted, I did put that. There was a question in there that did we have any plans to put up a shed or anything in the future. We might come next spring want to put one down. Can we get that approved now so we don't have to come back then it was included in this, it's in writing.

MR. NUGENT: If you keep it ten feet off the line you don't have to.

MRS. KIEVA: I have a a spot right here I can put it.

MR. TORLEY: As long as it's not in the front yard.

MRS. KIEVA: No, it's the back.

MRS. BARNHART: Check with Mike's office before you do that.

MR. LUCIA: It couldn't be as close to the line as your proposed addition.

MRS. KIEVA: It would come out even with the house, this side of the house that variance is already there the way the house was built, we wouldn't be going beyond that and it wouldn't be any further out which is still in the space.

MR. BABCOCK: You can't modify that at a public hearing.

MR. LUCIA: Thank you for providing copy of your deed. Did you have happen to find a copy of your title policy?

MRS. KIEVA: I didn't go after it, I was told by someone it wasn't absolutely necessary so I kind of didn't do it.

MR. LUCIA: It's not absolutely necessary. The reason we ask for it your house is subject to certain covenants, restrictions and easements as most parcels are.

MRS. KIEVA: Which is written in there.

MR. LUCIA: Sometimes the title policies turn out other restrictions which may not be in the deed. But I'll ask you the question is there anything to your knowledge affecting the title to this property which would prevent you from maintaining the structure should the board grant you a variance?

MRS. KIEVA: No.

MR. LUCIA: That is the only reason we ask for it. If there's something that says you can't have a structure closer than five feet to the side line, we can tell you right here. Do you feel that an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties be created by granting the area variance?

MRS. KIEVA: Absolutely not.

MR. LUCIA: Character of the neighborhood is all

residential?

MRS. KIEVA: Yes.

MR. LUCIA: Can the benefit which you seek be achieved by some other method for you to pursue other than an area variance?

MRS. KIEVA: No.

MR. LUCIA: Is the requested area variance substantial in terms of numbers?

MRS. KIEVA: Yes.

MR. LUCIA: You're going within six inches of the property line?

MRS. KIEVA: Right.

MR. LUCIA: Why is it that you cannot construct this addition with a smaller variance?

MRS. KIEVA: Because for my own comfort, if you will pass it, I'd prefer it. Well, it's an honest answer.

MR. LUCIA: How wide is the addition from your house? How wide a space are you creating?

MRS. KIEVA: The distance from that closer to the property line, 12 foot.

MR. TORLEY: You feel a deck that is narrower than 12 feet would not be an economic benefit to the house?

MRS. KIEVA: I know what I want to do with it and it doesn't fit into the plans. If somebody wanted to build 12 by 12, I'd say I'm not going to build it because it doesn't fit into my plans. I don't see that doing that hurts anybody so why shouldn't I go with what I want? There's no reason. It's not going to harm anybody.

MR. LUCIA: Talking about why you want it this way, if it were smaller than this 12 feet, would it lack

utility? You couldn't use it for what you plan to use it for?

MRS. KIEVA: I have specific--

MR. LUCIA: You couldn't put your furniture in it?

MRS. KIEVA: That is right.

MR. LUCIA: How about access, do you have a particular way you are planning to come out?

MRS. KIEVA: Out the kitchen.

MR. LUCIA: If it were narrower than 12 feet, could you not come in that way or would it interfere with the way you would use it?

MRS. KIEVA: It would interfere definitely with the way I'd use it. I wouldn't say you couldn't get in but probably climbing over things to do it.

MR. LUCIA: If you were to construct a smaller screened-in porch than 12 feet, do you the feel that would be a worthwhile investment in other words spending X dollars for the screened-in porch, if it is narrower than 12 feet and therefore undersized and less than useful in your view, would a perspective purchaser for your house say I don't think that has added X dollars to your house, you wouldn't get your money back if it is too small, is that your view?

MRS. KIEVA: Yes, okay, yeah.

MR. LUCIA: If this board should grant you a variance for a 12 foot wide screened-in porch, do you think you could get your money back?

MRS. KIEVA: Definitely, it would be appealing to someone else that way.

MR. LUCIA: Will the proposed variance have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MRS. KIEVA: No.

MR. LUCIA: You said the drainage is going to run.

MRS. KIEVA: Down my property, I'll make sure it doesn't go that way.

MR. LUCIA: Will not run down towards the downhill neighbor on that side?

MRS. KIEVA: I'll make sure it goes the other way.

MR. LUCIA: Is the difficulty self-created?

MRS. KIEVA: Meaning is it our choice to do it, yes.

MR. LUCIA: But the existing house actually pre-dates zoning but it's too close to the side line all by itself?

MRS. KIEVA: We're not 15 feet from the start, right, actually the way the line runs, that half a foot is the closest point. It gradually gets bigger as you go down.

MR. LUCIA: Can this be located effectively anyplace else on the property?

MRS. KIEVA: Nope.

MR. LUCIA: Rear or other side?

MRS. KIEVA: Nope.

MR. LUCIA: Why is that?

MRS. KIEVA: You wouldn't want to carry your spaghetti out the living room and out the deck, would you?

MR. HOGAN: Two questions I have. One is the addition that you are asking for was built how close would that be to the neighboring structure?

MRS. KIEVA: As you can see from the picture I never measured it out but you have got 40 or more feet

September 13, 1993

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between me and the house next to me.

MR. HOGAN: I couldn't tell from the picture that is why I am asking.

MRS. KIEVA: This is all the distance and they are far beyond that. I couldn't fit them in the picture.

MR. HOGAN: Once the screened porch is on, there'd be an additional 40 feet?

MRS. KIEVA: Easily, probably more.

MR. HOGAN: Second question I have is more in terms of protection to yourself. Do you know exactly where your property line is?

MRS. KIEVA: Yes, we do. I had the property survey done because we never had one before.

MR. HOGAN: You're going to come close.

MRS. KIEVA: I know it's on the money that is the closest point.

MR. TANNER: You also stated that the next door neighbor is downhill from you considerably.

MRS. KIEVA: Yes, definitely way down. You can probably build another house and still have 15 feet on either side between us.

MR. NUGENT: No further questions by the board? I'll open it up to the public. Seeing that there isn't any public, I'll close the public hearing and open it back up to the board for any comments or questions. If not, I'll accept a motion.

MR. TORLEY: I move we grant the variance.

MR. LANGANKE: I second it.

ROLL CALL

MR. TANNER AYE

6/93

PENGAD CO., BAYONNE, NJ 07002 - LASER BOND-A

September 13, 1993

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MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. HOGAN	AYE

6/93

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Steven & Ellen Kieva

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-25

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On August 25, 1993, I compared the 73 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
25th day of August, 1993.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Pls. publish on or before 8/25/93. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 25

Request of Steven Kieva & Ellen Kieva

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of a screened-in porch
w/ insufficient side yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. F
for property situated as follows:

One Mitchell Lane, New Windsor, N.Y.
known as tax map Section 6-Blk. 3-
Lot 15.

SAID HEARING will take place on the 13th day of
September, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent.
Chairman

By: Patricia C. Barnhart, Secy.

Date 7/19/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francis Roth, 172 Moores Hill Rd DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
7/12/93		Zoning Board Meeting-	75	50
		Misc 2		
		Kreva - 6 - #27.00		
		Fairbanks - 4		
		Rigoli - 6		
		Kreweorc - 4		
		Mughano - 1		
		Toyota - 8		
		Cereone - 6	1166	50
		37 pp	241	50

July 12, 1993

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PRELIMINARY MEETINGS:

KIEVA, STEVEN

MR. NUGENT: Request for 9 ft. side yard for an enclosed porch and walkway located at 1 Mitchell Lane in an R-4 zone.

Mr. Steven Kieva appeared before the board for this proposal.

MR. NUGENT: Explain to the board what you want to do.

MR. KIEVA: We want to add a porch on to the side of our house.

MR. NUGENT: You did or you want to?

MR. KIEVA: We want to, we were told not to.

MR. NUGENT: This is the new part that you want to put on?

MR. KIEVA: Yes.

MR. NUGENT: All this stuff is here?

MR. KIEVA: The deck is there which we have a permit for and the side room this is going to be the walkway from the porch to the deck which is not on. This is for the closed porch.

MR. LUCIA: They'll be physically attached to the house or the existing deck?

MR. KIEVA: Yes, it will be attached to the deck by a walkway. What we're concerned about is the porch.

MR. NUGENT: How big is this?

MR. KIEVA: Planning on doing it either 12 by 12 or 14 by 14.

MRS. KIEVA: 14 by 12.

MR. TORLEY: Is the 14 foot closer to the side?

MRS. KIEVA: I do believe the 14 is the long way, the 12 is the closer.

MR. LUCIA: You need to be confident before you come back here because this board only reacts to the numbers you give us. When you're set up and you come back you need a variance for X number of feet and you make that measurement at your peril. If you are wrong and you go to sell the house and the guy gets a surveyor and says you applied for 9 foot variance you need ten foot variance you're back here again doing the same thing so you need to determine that in advance and then build within that specification.

MRS. KIEVA: Does it make a difference to you as a board whether we go 12 or 14 feet out because we didn't know how close actually to the property line you would allow us to go and we'd go 14 by 14 if that would be approved which would leave us a foot from our property line.

MR. TORLEY: You have to make the case as to why you should be exempt from the law and we're required to make the minimum variances as we properly can so you have to show us why if you have to go 14 feet.

MRS. KIEVA: I'd just like it two feet bigger, if you'd approve it that way. If you want an honest answer you got an honest answer.

MR. LANGANKE: The smaller the variance, the better it is for you, if you only wanted six inches we would accommodate you and say no but the less of a variance the more chance you have of getting it approved.

MRS. KIEVA: 12 by 14 going 12 feet out of the property line would be approved quicker?

MR. LANGANKE: You make it easier for us to say yes.

MR. TORLEY: Right now, you're telling us 12 or 14 feet, now you want 14 feet. You have to say why isn't 12 enough. You have to show some hardship.

July 12, 1993

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MRS. KIEVA: It's just a personal preference, not a real hard big deal.

MR. NUGENT: You need to amend the denial. We have the application that we're working on which you gave us to work off.

MRS. KIEVA: Which is 14 by 12, 12 going out to the property line so we'll keep it that way, we won't change it.

MR. LUCIA: Do check those measurements.

MRS. KIEVA: I know it is, it's 14 length and 12 to the property line.

MR. LUCIA: Distance from the edge of the back of the porch to the property line that is the critical distance.

MRS. KIEVA: Well we're 15 feet now if we go out 12 feet that leaves us three feet from the property line but there's no house, understand that our property sits on a house next to a corner property which we won't be up against or near anyone.

MR. NUGENT: Don't matter.

MR. TORLEY: That is not what the sketch shows. It looks like it's indicating it's 6 feet off the property line.

MR. LANGANKE: With a 12 foot porch.

MR. KIEVA: No, there's a 15 foot difference between the edge of the house and the property line, it would leave us a three feet difference going 12 out.

MR. LUCIA: The way the sketch is drawn it shows 6 feet clear between the edge of the addition and the property line, you're required to have 15 feet so that means you need a variance of 9 feet. So that the critical distance is not so much the 12 or 14 but the distance of the closest edge of the addition to the property

line. This sketch says 6 feet. That 6 feet is not accurate, you do it at your peril, I'd re-measure it or get somebody to shoot the line. You can't measure from the house, you need to measure from the property line to where the porch will end.

MR. NUGENT: When you go to sell the house or go to re-mortgage the house, and they find out that is too close to the line, you're going to do it anyway so you better catch yourself and do it once.

MR. TORLEY: Distance from the proposed new deck or porch to the property line, the law requires you to have 15 feet, you're asking to have less than 15 feet.

MR. NUGENT: All we're asking you verify the 6 foot measurement. If that is incorrect, then you have to come back and amend it.

MR. LUCIA: Call the building inspector's office and he would need to amend the denial.

MR. TORLEY: That won't be such a big deal at this point.

MRS. KIEVA: We still might be able to approve by the time you meet again.

MR. TORLEY: That is not how it works.

MR. LUCIA: This board sits as a court of appeals so what happens is you applied to the building inspector for a permit, he turns you down. You then appeal that denial to this board. The Preliminary Hearing is basically just to give this board a quick overview of what it is you plan to do and give you a quick reaction just to terms of you say if I made this 12 or 14 I think you get a sense of the board in terms of what kind of proof is needed. We then if it is ready set you up for a public hearing. You then come back for public hearing, explain the whole thing on the record and the board votes and on it so it's going to be two months at minimum by the time you come back and it's voted on.

MR. TORLEY: Next meeting isn't scheduled till the beginning of August. Now you could have everything ready and get I guess you can schedule for a public hearing.

MR. LUCIA: There's a couple preliminary steps you have to do. You have to do an application, send in checks, get a list of neighboring property owners, publish.

MR. KIEVA: But there's no chance we can do it before two months period.

MR. LUCIA: If you get everything back, it's possible you could make the August meeting which would be August 9, if I can see that far.

MRS. KIEVA: I'll do my very best to get everything done.

MR. TORLEY: The other big thing that will help talk to all your neighbors and tell them what you're going to do because they are going to get a letter.

MRS. KIEVA: They already know.

MR. TORLEY: People get upset when they get a letter when you're asking for a string of numbers in the Town Code they don't know what you're doing.

MRS. KIEVA: I would say that 95 percent of them already do know, have known for about a year that we're going to propose to do this.

MR. LANGANKE: It's already been done several times in the development and approved.

MR. LUCIA: First and most important thing is check that measurement. I assume the board will adopt a motion to set you up for a public hearing. When you come back for that, and we give you a copy of Section 267B of the Town Law, I put a little arrow in the margin next to subparagraph B that lists 5 specific factors this board has to consider in granting you an area variance. In order for your application to be successful, we have to weigh the detriment to the

July 12, 1993

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health, safety and welfare of the community by giving you the variance as against the benefit to you if the variance is granted and so when you come back be prepared to speak to those 5 specific issues. We'd also like to see copy of your deed, copy of the title policy and some photographs of the site. Pat will give you an applicaiton, there's a cover sheet that I think is self-explanatory. If you have any questions, give her a call, she can help you on that. When you return that application, we'll need two checks, both payable to the Town of New Windsor, one for \$50 application fee and second one for \$292 against Town consultant review fees and various disbursements the board has in handling your application.

MR. NUGENT: Any further questions by the board? I'll accept a motion for public hearing.

MR. HOGAN: So moved.

MR. TORLEY: Second it.

ROLL CALL

MR. NUGENT	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Rec'd T/4
7/22/93

(73)

July 21, 1993

Ellen J. Kieva
1 Mitchell Lane
New Windsor, NY 12553

Re: Tax Map Parcel: 6-3-15

Dear Ms. Kieva:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00. Please remit the balance of \$70.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

LC/cp
Attachments

cc: Pat Barnhart

Carrero, Theodore & Ludmila
2B Clarkview Road
New Windsor, NY 12553

Csubak, Stephen & Regina
2 Clarkview Road
New Windsor, NY 12553

Brennan, John M.
4 Clarkview Road
New Windsor, NY 12553

Falbo, John P. & Barbara
6 Clarkview Road
New Windsor, NY 12553

Bradley, Robert &
Bruno, Karen &
March, Joan
31 O'Dell Circle
Newburgh, NY 12553

Ostrander, John P. Jr. & Linda
10 Clarkview Road
New Windsor NY 12553

Lusardi, Albert J. & Margaret
12 Clarkview Road
New Windsor, NY 12553

Jaime, Willard & Mary T.
14 Clarkview Road
New Windsor, NY 12553

Lego, James R. & Frances R.
16 Clarkview Road
New Windsor, NY 12553

Landry, Gerard R. & Laurie A.
18 Clarkview Road
New Windsor, NY 12553

Walsh, John M. & Ellen M.
20 Clarkview Road
New Windsor, NY 12553

Quicksell, Edward J. & Joan G.
3 Clarkview Road
New Windsor, NY 12553

Haarmann, Paul & Marianne
5 Clarkview Road
New Windsor, NY 12553

Passaro, Richard A. & Lori L.
1 Knox Drive
New Windsor, NY 12553

Jarvis, Florinda
31 Faye Ave.
New Windsor, NY 12553

Hennessey, Robert E. & Katherine I.
5 Knox Drive
New Windsor, NY 12553

Slenker, Richard E. & Betty R.
7 Knox Drive
New Windsor, NY 12553

Saltzberg, Allan P.
9 Knox Drive
New Windsor, NY 12553

Wenzel, Gary J. & Patricia
11 Knox Drive
New Windsor, NY 12553

Pierri, Francis M. & Lesley A.
7 Clarkview Road
New Windsor, NY 12553

Messer, Arnold W. & Beverly A.
2 Knox Drive
New Windsor, NY 12553

Campora, Richard J. & Suzanne
4 Knox Drive
New Windsor, NY 12553

Russio, Vincent & Angelina A.
6 Knox Drive
New Windsor, NY 12553

Barry, Patrick J. & Patricia
8 Knox Drive
New Windsor, NY 12553

Rotherbusch, William Martin & Evelyn F.
10 Knox Drive
New Windsor, NY 12553

Rigolini, John & Maureen
12 Knox Drive
New Windsor, NY 12553

Bates, Edward & Beverly
14 Knox Drive
New Windsor, NY 12553

Harris, Donald Earl & Bessie F.
20 Knox Drive
New Windsor, NY 12553

Gordon, Hillard & Florence B.
11 Mitchell Lane
New Windsor, NY 12553

Merk1, Robert & Patricia
9 Mitchell Lane
New Windsor, NY 12553

Shanahan, Charles R. Jr.
7 Mitchell Lane
New Windsor, NY 12553

Dirago, Anthony J. Jr.
5 Mitchell Lane
New Windsor, NY 12553

Reilly, Peter M. Sr. ETAL
c/o Alice Reilly
3 Mitchell Lane
New Windsor, NY 12553

Scheiner, Sally & Isaac
17 Marion Drive
New Windsor, NY 12553

Kopchak, Kathleen
9 Clarkview Road
New Windsor, NY 12553

Nouri, Ismail & Cemaliye
13 Clarkview Road
New Windsor, NY 12553

Oddo, Anthony J. Jr. & Angela
2 Mitchell Lane
New Windsor, NY 12553

Kolesnik, Anatol
4 Mitchell Lane
New Windsor, NY 12553

Stapleton, Peter W. & Marion J
6 Mitchell Lane
New Windsor, NY 12553

Albano, Steven J. & Jane M.
8 Mitchell Lane
New Windsor, NY 12553

Hannon, John & Kathleen
10 Mitchell Lane
New Windsor, NY 12553

Dubois, George C. & Janet C.
12 Mitchell Lane
New Windsor, NY 12553

Benson, Jon J. & Claire M.
24 Knox Drive
New Windsor, NY 12553

Wilson, Robert & Dorothea B.
28 Knox Drive
New Windsor, NY 12553

Kenna, Richard G. & Anna M.
32 Knox Drive
New Windsor, NY 12553

Verdiglione, Donna M.
37 Whitaker Place
Staten Island, NY 10304

Alario, Jeffrey &
Case, Marina
36 Knox Drive
New Windsor, NY 12553

Ferris, John A. & Roberta
46A Monsey Blvd.
Monsey, NY 10952

O'Neil, James H. & Francis A.
40 Knox Drive
New Windsor, NY 12553

Brunell, Donna & William E.
42 Knox Drive
New Windsor, NY 12553

Johnson, Dean G. & Laurel
44 Knox Drive
New Windsor, NY 12553

Quill, Jeremiah P. & Patricia
17 Clarkview Road
New Windsor, NY 12553

Ferrell Mark Leroy &
Shelia Austin Ferrell
15 Clarkview Road
New Windsor, NY 12553

Gorglione, Michael E. & Janet
13 Knox Drive
New Windsor, NY 12553

Hassdenteufel, Shirley S.
33 Knox Drive
New Windsor, NY 12553

Nergelovic, Charles F. & Lucy
35 Knox Drive
New Windsor, NY 12553

Smith, Christine
37 Knox Drive
New Windsor, NY 12553

Sniffen, Harold W. & Ruth
39 Knox Drive
New Windsor, NY 12553

Stallone, John & Candolfa
41 Knox Drive
New Windsor, NY 12553

Rieber, Alfred
43 Knox Drive
New Windsor, NY 12553

Grainger, Cheryl
45 Knox Drive
New Windsor, NY 12553

Bailey, Thomas G. & Nancy E.
47 Knox Drive
New Windsor, NY 12553

Sharp, John E. & Nancy J.
19 Clarkview Road
New Windsor, NY 12553

Walker, Herman O. & Marie J.
21 Clarkview Road
New Windsor, NY 12553

Smith, David E. & Rose S.
1 President Court
New Windsor, NY 12553

Schultz, John Edward & Grace M.
3 President Court
New Windsor, NY 12553

Jagger, Robert H. & Mary Ann
1260 Route 52
Walden, NY 12586

Spells, Nathan
340 E. 64th Street
New York, NY 10021

Stenglein, George & Anna
459 Little Britain Road
New Windsor, NY 12553

Slabiak, Janusz & Alicja
1A Clarkview Road
New Windsor, NY 12553

City of Newburgh
Newburgh Water Supply
c/o City Comptroller
City Hall
Newburgh, NY 12550

Lujan Home Builders Inc.
236 Route 306
Monsey, NY 10952

MacNary, Robert I. & Muriel
457 Little Britain Road
New Windsor, NY 12553

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 14th day of June, nineteen hundred and Seventy seven
BETWEEN JOSEPH A. EISGRUBER and VALERIE D. EISGRUBER, both residing
at 1 Mitchell Lane, New Windsor, N.Y.,

part of the first part, and STEVEN/KIEVA and ELLEN J. KIEVA, husband and wife
as tenants by the entirety, both residing at 26 William St., Newburgh, N.Y.

part of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 -----

----- (\$10.00) dollars,

lawful money of the United States, to them paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange and State of New York
known and designated as Lot 17, Block E, on a certain map entitled "Developm
Plan for Windsor Estates, Town of New Windsor, County of Orange, New York
made by Arthur W. Eustance, engineer, dated August 2, 1955 and last revised
December 13, 1955, and filed in the Orange County Clerk's office on December
15, 1955, Map # 1637.

TOGETHER with an easement over the streets as shown on said map to the
nearest public highway, but excepting and reserving the fee to the said streets
the title to which is not hereby conveyed.

This conveyance is subject to the following restrictions:

1. No lot shall be used except for residential purposes.

JE ✓
VDE ✓
H.
party of the first part, and STEVEN KIEVA and ELLEN J. KIEVA, husband and wife
as tenants by the entirety, both residing at 26 William St., Newburgh, N.Y.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 -----

----- (\$10.00) dollars,

lawful money of the United States, to them paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange and State of New York
known and designated as Lot 17, Block E, on a certain map entitled "Development
Plan for Windsor Estates, Town of New Windsor, County of Orange, New York
made by Arthur W. Eustance, engineer, dated August 2, 1955 and last revised
December 13, 1955, and filed in the Orange County Clerk's office on December
15, 1955, Map # 1637.

TOGETHER with an easement over the streets as shown on said map to the
nearest public highway, but excepting and reserving the fee to the said streets
the title to which is not hereby conveyed.

This conveyance is subject to the following restrictions:

1. No lot shall be used except for residential purposes.
2. No lot shall be re-subdivided.
3. No noxious or offensive activity shall be carried on upon any lot, nor
shall anything be done thereon which may be or may become annoyance or nuisance
to the neighborhood.
4. No structure of a temporary character, trailer, basement tent, shed,
barn or other outbuilding shall be used on any lot at any time as a residence, either
temporarily or permanently.

GP ✓
DK ✓

5. No sign of any kind shall be displayed to the public view ^{on any lot} except one professional sign of not more than one square foot.

6. No animals, livestock, poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats and other household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.

7. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in a sanitary container. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

8. No clothes line shall be permitted at any time on any portion of a lot other than rotary clothes line.

9. No individual water supply system shall be permitted on any lot.

BEING AND INTENDED TO BE the same premises conveyed to JOSEPH A. EISGRUBER and VALERIE D. EISGRUBER, from EARL W. REED and IRENE L. REED, by deed dated July 9, 1970, and recorded in the Orange County Clerk's Office on July 10, 1970, in Liber 1850 of Deeds at page 497.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Witness my hand and seal of office this day and year first above

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Albert P. Racine, Jr.

Joseph A. Eisgruber
~~*Joseph A. Eisgruber JAE*~~
JOSEPH A. EISGRUBER
Valerie D. Eisgruber
VALERIE D. EISGRUBER

STATE OF NEW YORK, COUNTY OF ORANGE

On the 14th day of June 1977, before me personally came
 JOSEPH A. EISGRUBER
 and VALERIE D. EISGRUBER
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

ALBERT P. PACIONE JR.
 Notary Public, State of New York
 Qualified in Orange County
 My commission expires Mar 30, 1979

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
 to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the
 of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
 LIBER 2069 PAGE 962
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
 to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the
 of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

JOSEPH A. EISGRUBER and VALERIE
 D. EISGRUBER

TO

STEVEN KIEVA and ELLEN J. KIEVA

SECTION

BLOCK

LOT

COUNTY OR TOWN

3245
 7-

R+R

RETURN BY MAIL TO:

JERALD FIEDELHOLTZ, P.C.
 P.O. Box 4088
 New Windsor, N.Y. 12550

Zip No.

S. Kieva

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

SECURITY TITLE AND GUARANTY COMPANY

CHARTERED 1928



IN NEW YORK

DING OFFICE

Handwritten signatures and stamps at bottom right.

Albert P. Pacione Jr.

ALBERT P. PACIONE JR.
Notary Public, State of New York
Qualified in Orange County
My commission expires Mar 30, 1979

STATE OF NEW YORK, COUNTY OF

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Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

JOSEPH A. EISGRUBER and VALERIE D. EISGRUBER

TO

STEVEN KIEVA and ELLEN J. KIEVA

SECTION

BLOCK

LOT

COUNTY OR TOWN

3245
7-

R.R.

RETURN BY MAIL TO:

JERALD FIEDELHOLTZ, P.C.
P.O. Box 4088
New Windsor, N.Y. 12550

Zip No.

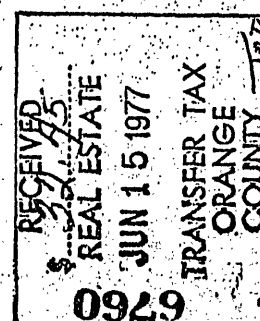
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CHARTERED 1928



IN NEW YORK

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



Orange County Clerk's Office, S.S.

Recorded on the 15th day

of June 1977 at 4:00 PM

in the M. in Liber 100

at page 107

and Examined.

C. N. Winters Clerk